IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Crl.MC.No. 2225 of 2006()

CRIME NO.376/2003 OF VELLARADA POLICE STATION (CB CID CRIME 306/CR/03) PENDING BEFORE THE J.F.C.M-III,NEYYATTINKARA. .....

PETITIONER: 2ND ACCUSED

JUSTIN RAJ, S/O.SELVARAJ,
VP/VI/445, KOOTHALI, VELLARADA P.O.,
NEYYATTINKARA TALUK.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.LATHA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No. 2225 of 2006

Dated this the 19th day of January 2007

O R D E R

The short prayer of the petitioner is that his passport which has been surrendered before the learned Magistrate in pursuance of the order granting him bail, may now be released to the petitioner. The crime under Section 366A and 376 read with 34 I.P.C was registered as early as in 2003. The learned counsel for the petitioner submits that the petitioner needs the passport emergently and if the passport is not available, it would cause him unnecessary hardship and prejudice. Notice was given to the learned Public Prosecutor.

2. The learned Public Prosecutor submits that if appropriate conditions which will ensure the presence of the petitioner when required are imposed, the State has no objection in the passport being released to the petitioner.

3. I am satisfied that this petition can be allowed subject to conditions. The passport which has allegedly been surrendered before the learned Magistrate shall be released to the petitioner on condition that he will execute a further bond

for Rs.50,000/- (Rupees fifty thousand only) undertaking to make himself available before the investigating officer or the learned Magistrate as and when directed. The petitioner shall furnish to the court the name of the surety on whom notice should be served if his presence were to be secured. That statement shall be filed before the learned Magistrate before taking release of the passport.

4. This Criminal Miscellaneous Case is allowed accordingly.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006